

**ORDINANCE NO. \_\_\_\_\_**

**ORDINANCE AMENDING CITY CODE**

**- CHAPTER 67 -**

**- BUILDING CODE -**

BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF DECATUR,  
ILLINOIS:

Section 1. That Chapter 67 of the City Code of the City of Decatur, Illinois, be, and the same is hereby modified and amended, effective February 1, 2020, by amending language to Sections 4, 8, 9, 15(b) and 19 reflecting the amendment. Said Sections 4, 8, 9, 15(b) and 19 as so modified and amended, shall provide as follows:

**4. BUILDING INSPECTIONS.** Whenever in said Code reference is made to the code official such shall be taken to mean and shall be construed to refer to the Building Inspection Manager or his designee as fully as if said designation was set out therein in lieu of such words and whenever reference is therein made to the department of building inspections or similar reference such shall be taken to mean and shall be construed to refer to the Building Inspections Division of the Community Development Department as fully as if said designation was set out therein in lieu of such words.

(Amended, Ordinance No. 2017-07, February 6, 2017)

(Amended, Ordinance No. 2010-03, February 1, 2010)

(Amended, Ordinance No. 2007-19, April 2, 2007)

(Amended, Ordinance No. 2000-11, March 13, 2000)

**8. APPLICATION FOR PERMIT.** Application for a permit required by said Code or this Chapter shall be made by the owner or the person or entity in or entitled to possession of the premises where the proposed work is to be done, or by the agent of either, or by the engineer, architect or contractor connected with such work. All applications for building permits shall be accompanied by complete and finalized plans, specifications, and cost estimates.

**9. FEE.** No permit shall be issued except upon prior payment of the total building fee required by the following schedule. The fee schedule set forth hereafter is cumulative and is in addition to all other fees required by applicable provisions of the municipal code, unless specifically noted to the contrary. The amount of the fee required to accompany the application for a permit and to be paid to the City Treasurer shall be determined by the building official as follows:

(a) For all permits other than those particularly specified herein said amount shall be based upon the value of the proposed work in amounts as follows:

Residential Cost of Construction or Work Value	.5% or minimum \$50
Commercial Cost of Construction or Work Value	.75% or minimum \$150

Mixed use developments containing both Residential and Commercial uses in the same structure shall be subject to Commercial Fees. Separate permits for residential and commercial maybe applied for on developments which contain combined use in separate buildings or structures.

The total construction cost of the project shall include the value of all work performed, materials used and site improvements made in conjunction with the permit and shall be subject to review and adjustment by the building official if the costs submitted on the permit application do not reflect the actual costs.

(b) For permits to demolish structures the amount shall be as follows:

1 - 4 Unit Residential Structures	\$75 per unit
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Buildings which are accessory to residential structures (garages, sheds, etc)	\$35 per structure
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All other improvements or structures	\$250 or per work value as listed in item (a) above, whichever is greater
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(Amended, Ordinance No. 96-38, June 17, 1996).

(c) For permits to erect, construct, replace, repair or alter any sign or outdoor display structure, the amount shall be as follows:

Permanent Signs with or without electric	1% of work value or minimum of \$50 per sign
Temporary Signs	\$25 per sign

(Amended, Ordinance No. 2011-59, October 3, 2011)

(d) For permits to erect or install swimming pools, the amount shall be as follows:

Inground pool including electrical and plumbing required but not including any deck associated with pool	\$200
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Aboveground pool with electrical but not including associated decks	\$125
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Aboveground pool with no electric or plumbing	\$50
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(Amended, Ordinance No. 2005-38, May 2, 2005)

(e) For permits to erect tents, air supported structures or other temporary structures, the fees shall be as follows:

For tents, air supported or temporary structure (including concessions)	\$30
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If electrical required	\$50
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(Amended, Ordinance No. 2011-59, October 3, 2011)

(f) Plan Review Fees:

Residential Plan Review - 10% of permit fee or Minimum \$75 with maximum of \$250

Commercial Plan Review- 10% of permit fee or Minimum \$200 with maximum of \$1250

Two (2) plan reviews shall be included in the plan review fees. After the second review, there shall be a fee for each subsequent review of \$100 for residential or \$250 for commercial.

(Amended, Ordinance No. 96-38, June 17, 1996).

(g) An additional fee of \$50 will be assessed for permits to erect or construct new buildings or for additions or alterations to buildings whereby the work has not been completed and/or has not received “satisfactory” final inspections by the expiration date of the permit. This fee may be waived by the Building Inspections Manager if he determines that the reasons for delay are justified.

**15. CONCESSIONS** (Temporary Restaurants). (Amended, Ordinance No. 2011-59)

...(b) Permit – any concession that wishes to operate within City limits must first obtain a permit from the Building Inspections Division, of the Community Development Department. (Amended, Ordinance No. 2017-07, February 6, 2017)...

**19. RE-INSPECTION FEES.** A re-inspection fee of \$45 shall be assessed against the applicant for a construction permit, or in the case of a combined permit, against the licensed subcontractor, who has requested an inspection which cannot be completed and/or approved by the Inspection Division for any of the following reasons:

1) the work for which the inspection has been requested is not installed or completed to the extent that an inspection can be made;

2) The inspection reveals that there are violations which should have been found and corrected by workers while simply checking their work before calling for an inspection;

3) the work for which the inspection has been requested has been covered up or hidden from view so that an inspection cannot be made;

4) The Inspector is unable to gain entry at the time requested by the contractor; or

5) When previously noted violations have not been corrected.

Fees assessed as herein provided may be appealed to the Construction and Housing Board of Appeals by filing a notice of such appeal with the City Clerk within fourteen (14) days of the mailing of notice of such assessment. An appeal shall stay the due date for payment until the date of the final order of the Board.

Such fees shall be assessed by mailing notice of same to the owner or other person by certified mail, return receipt requested. Payment thereof shall be due fourteen (14) days after mailing of such notice, which notice must contain a statement of the right of the owner or other person to appeal the same to the Board and the time limitation thereon.

In any judicial proceeding brought by the City to collect fees which have not been paid as required by the provisions hereof, failure to receive notice of the assessment of such fee may be a defense thereto, but only if such notice was not sent to the proper mailing address of the defendant or was received thereat by someone other than a person upon whom substituted service may be made pursuant to the Illinois Code of Civil Procedure.

Any fee or fees assessed as herein provided, and any judgment entered for same, shall be in addition to any fine imposed by the Circuit Court under Section of this Chapter.

No certificate of occupancy shall be issued for any building for which permit or re-inspection fees are unpaid.

Section 2. That the City Clerk be, and she is hereby, authorized and directed to cause the provisions hereof to be appropriately set out in the City Code and to cause the same to be published in pamphlet form according to law.

PRESENTED, PASSED, APPROVED AND RECORDED this 6<sup>th</sup> day of January, 2020.

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JULIE MOORE WOLFE, MAYOR

ATTEST:

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CITY CLERK

PUBLISHED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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CITY CLERK

## **ADDITIONS AND DELETIONS**

### **- CHAPTER 67 - - BUILDING CODE -**

4. **BUILDING INSPECTIONS.** Whenever in said Code reference is made to the code official such shall be taken to mean and shall be construed to refer to the Building Inspection Manager or his designee as fully as if said designation was set out therein in lieu of such words and whenever reference is therein made to the department of building inspections or similar reference such shall be taken to mean and shall be construed to refer to the Building Inspections Division of the ~~Economic and~~ Community Development Department as fully as if said designation was set out therein in lieu of such words.

(Amended, Ordinance No. 2017-07, February 6, 2017)

(Amended, Ordinance No. 2010-03, February 1, 2010)

(Amended, Ordinance No. 2007-19, April 2, 2007)

(Amended, Ordinance No. 2000-11, March 13, 2000)

8. **APPLICATION FOR PERMIT.** Application for a permit required by said Code or this Chapter shall be made by the owner or the person or entity in or entitled to possession of the premises where the proposed work is to be done, or by the agent of either, or by the engineer, architect or contractor connected with such work. All applications for building permits shall be accompanied by complete and finalized plans, specifications, and cost estimates.

9. **FEE.** No permit shall be issued except upon prior payment of the total building fee required by the following schedule. The fee schedule set forth hereafter is cumulative, and is in addition to all other fees required by applicable provisions of the municipal code, unless specifically noted to the contrary. The amount of the fee required to accompany the application for a permit and to be paid to the City Treasurer shall be determined by the building official as follows:

(a) For all permits other than those particularly specified herein said amount shall be based upon the value of the proposed work in amounts as follows:

<u>WORK VALUE</u>	<u>FEE</u>
<del>\$ 0 - \$2,000</del>	<del>\$35</del>
<del>\$2,001 - \$3,000</del>	<del>\$45</del>
<del>\$3,001 - \$5,000</del>	<del>\$50</del>
<del>\$5,001 - \$1,000,000</del>	<del>\$50 plus \$5 for each \$1,000 or fraction thereof over \$5,000</del>
<del>Over \$1,000,000</del>	<del>\$5,025 plus \$4 for each \$10,000 or fraction thereof over \$1,000,000</del>

Residential Cost of Construction or Work Value .5% or minimum \$50

Commercial Cost of Construction or Work Value .75% or minimum \$150

Mixed use developments containing both Residential and Commercial uses in the same structure shall be subject to Commercial Fees. Separate permits for residential and commercial maybe applied for on developments which contain combined use in separate buildings or structures.

The total construction cost of the project shall include the value of all work performed, materials used and site improvements made in conjunction with the permit and shall be subject to review and adjustment by the building official if the costs submitted on the permit application do not reflect the actual costs.

(b) For permits to demolish structures the amount shall be as follows:

1 - 4 Unit Residential Structures	<del>\$50</del>	<u>\$75 per unit</u>
Buildings which are accessory to residential structures (garages, sheds, etc)	<del>\$25</del>	<u>\$35 per structure</u>
All other improvements or structures listed in item (a) above, whichever is greater		<del>\$50</del> <u>\$250</u> or per work value as

(Amended, Ordinance No. 96-38, June 17, 1996).

~~(c) For permits to erect new one or two family residential structures, room additions to such structures, accessory buildings to such structures, or additions to accessory structures the amount shall be as follows:~~

~~———— Square footage of finished living space x \$.25 plus square footage of unfinished space (includes basements, garages, decks, porches and other accessory) x \$.15, minimum fee shall be \$50. (Amended, Ordinance No. 2011-59; Ordinance No. 96-38)~~

~~(d) For permits to alter or repair one and two family residential structures or residential accessory buildings, the amount shall be as follows:~~

~~———— Building/structural alteration or repair ———— \$50~~

~~(Amended, Ordinance No. 2011-59; Ordinance No. 96-38)~~

~~(e) For permits to alter or repair other than one and two family residential structures or residential accessory buildings, the amount shall be per work value as listed in item (a) above.~~

~~———— (f) For permits to erect or construct new buildings or additions to buildings other than one or two family residential or residential accessory buildings, the amount shall be per work value as listed in item (a) above.~~

~~(g)~~ (c) For permits to erect, construct, replace, repair or alter any sign or outdoor display structure, the amount shall be as follows:

Sign without electrical work

~~Use fee schedule in Section 9~~

Permanent Signs with or without electric

1% of work value or

minimum of \$50 per sign

Temporary Signs

\$25 per sign

Add \$25 for new electrical circuit(s) for signs

(Amended, Ordinance No. 2011-59, October 3, 2011)

~~(h)~~ (d) For permits to erect or install swimming pools, the amount shall be as follows:

Inground pool including electrical and plumbing required but not including any deck associated with pool	<del>\$70</del>	<u>\$200</u>
Aboveground pool with electrical but not including associated decks	<del>\$50</del>	<u>\$125</u>
<u>Aboveground pool with no electric or plumbing</u>		<u>\$50</u>

(Amended, Ordinance No. 2005-38, May 2, 2005)

~~(i)~~ (e) For permits to erect tents, air supported structures or other temporary structures, the fees shall be as follows:

For tents, air supported or temporary structure (including concessions)	\$30
If electrical required	\$50

(Amended, Ordinance No. 2011-59, October 3, 2011)

~~(j)~~ For permits to erect fences ~~\_\_\_\_\_~~ ~~\$10~~

~~(Amended, Ordinance No. 2009-39, May 18, 2009)~~

~~(k)~~ (f) Plan Review Fees:

Residential Plan Review - 10% of permit fee or Minimum \$75 with maximum of \$250

Commercial Plan Review- 10% of permit fee or Minimum \$200 with maximum of \$1250

Two (2) plan reviews ~~for other than one and two family dwellings~~ shall be included in the ~~permit~~ plan review fees. After the second review, there shall be a fee for each subsequent review of \$100 for residential or \$250 for commercial.

(Amended, Ordinance No. 96-38, June 17, 1996).

(g) An additional fee of \$50 will be assessed for permits to erect or construct new buildings or for additions or alterations to buildings whereby the work has not been completed and/or has not received “satisfactory” final inspections by the expiration date of the permit. This fee may be



waived by the Building Inspections Manager if he determines that the reasons for delay are justified.

**15. CONCESSIONS** (Temporary Restaurants). (Amended, Ordinance No. 2011-59)

...(b) Permit – any concession that wishes to operate within City limits must first obtain a permit from the Building Inspections Division, of the the ~~Economic and~~ Community Development Department. (Amended, Ordinance No. 2017-07, February 6, 2017)...

**19. RE-INSPECTION FEES.** A re-inspection fee of ~~\$30.00~~ \$45 shall be assessed against the applicant for a construction permit, or in the case of a combined permit, against the licensed subcontractor, who has requested an inspection which cannot be completed and/or approved by the Inspection Division for any of the following reasons:

1) the work for which the inspection has been requested is not installed or completed to the extent that an inspection can be made;

2) The inspection reveals that there are violations which should have been found and corrected by workers while simply checking their work before calling for an inspection;

3) the work for which the inspection has been requested has been covered up or hidden from view so that an inspection cannot be made;

4) The Inspector is unable to gain entry at the time requested by the contractor; or

5) When previously noted violations have not been corrected.

Fees assessed as herein provided may be appealed to the Construction and Housing Board of Appeals by filing a notice of such appeal with the City Clerk within fourteen (14) days of the mailing of notice of such assessment. An appeal shall stay the due date for payment until the date of the final order of the Board.

Such fees shall be assessed by mailing notice of same to the owner or other person by certified mail, return receipt requested. Payment thereof shall be due fourteen (14) days after mailing of such notice, which notice must contain a statement of the right of the owner or other person to appeal the same to the Board and the time limitation thereon.

In any judicial proceeding brought by the City to collect fees which have not been paid as required by the provisions hereof, failure to receive notice of the assessment of such fee may be a defense thereto, but only if such notice was not sent to the proper mailing address of the defendant or was received thereat by someone other than a person upon whom substituted service may be made pursuant to the Illinois Code of Civil Procedure.

Any fee or fees assessed as herein provided, and any judgment entered for same, shall be in addition to any fine imposed by the Circuit Court under Section of this Chapter.

No certificate of occupancy shall be issued for any building for which permit or re-inspection fees are unpaid.